REMARKS

In response to the final Office Action dated August 10, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

Rejection of Claims 1-7, 10 & 12-20 Under § 103 (a)

The Office rejected claims 1-7, 10, and 12-20 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent 6,016,307 to Kaplan, *et al.* in view of U.S. Patent Application Publication 2004/0221053 to Codella, *et al.* and further in view of U.S. Patent Application Publication 2003/0051054 to Redlich, *et al.*

Claims 1-7, 10, and 12-20, however, cannot be obvious. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Kaplan*, *Codella*, and *Redlich*. Independent claim 1, for example, recites "*ascertaining a best-value scenario that maximizes profitability for the service provider, the best-value scenario comprising at least one of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request*" (emphasis added). Independent claim 1 also recites "*grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the processing service,*" "*dispersing the segment to the another service provider for fulfillment of the processing service,*" and "*receiving a result of the processing service from the another service provider.*" Support for such features may be found at least at paragraph [0023] of United States Application No. 10/720,941 (Attorney Docket 030006), which is incorporated by reference. Independent claim 1 is reproduced below, and independent claims 14 and 15 recite similar features.

[c01] A method of providing communications services, comprising:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service requesting communications service from a service provider;

dynamically assessing in real-time an availability of i) a communications network operated by the service provider and ii) another communications network operated by another service provider;

when a processing service is required, interrogating the another service provider to fulfill the processing service;

ascertaining a best-value scenario that maximizes profitability for the service provider, the best-value scenario comprising at least one of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request;

grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the processing service;

dispersing the segment to the another service provider for fulfillment of the processing service;

receiving a result of the processing service from the another service provider; and

providing the communications service to fulfill the request, the communications service provided according to the best-value scenario.

Kaplan, *Codella*, and *Redlich* cannot obviate all these features. *Kaplan* discloses methods for dynamically selecting an optimal telecommunications path. *See* U.S. Patent 6,016,307 to Kaplan, *et al.* at column 1, lines 7-10. *See also id.* at column 2, lines 10-12. The optimum path is selected according to user priorities, predetermined path parameters, and measured path parameters. *See id.* at column 3, lines 11-30. Path economy, availability, latency, and other variables may be considered. *See id.* at columns 5 and 6. *Codella* discloses prioritization techniques for transmitting digital content to users. *See* U.S. Patent Application Publication 2004/0221053 to Codella, *et al.* at paragraphs [0006], [0007], and [0019]. The prioritization may be influenced by service agreements with service providers. *See id.* at paragraph [0047]. Bandwidth and delay may be used in the prioritization. *See id.* at paragraph [0047]. *Redlich* discloses data security methods in which sensitive data is extracted and separately stored. *See* U.S. Patent Application Publication 2003/0051054 to Redlich, *et al.* at

paragraphs [0031], [0097], and [0099]. A document may be parsed or segmented and the extracted data is dispersed for storage. *See id.* at paragraph [0190] and [0198].

Still, though, *Kaplan*, *Codella*, and *Redlich* cannot obviate the independent claims. First, contrary to the Office's assertions, *Kaplan*, *Codella*, and *Redlich* do not teach or suggest "*ascertaining a best-value scenario that maximizes profitability for the service provider, the best-value scenario comprising at least one of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request*" (emphasis added). Examiner Sikri alleges that *Kaplan* teaches the "best value" scenario recited in the independent claims. The Assignee must, very respectfully, disagree. As with *Almgren* that was cited in a previous office action, *Kaplan* again solely describes "best value" considerations from the user's perspective. *Kaplan* dynamically selects an optimal telecommunications path according to the user's priorities. *Kaplan* completely fails to contemplate "*a best-value scenario that maximizes profitability for the service provider*" (emphasis added).

Kaplan provides an explanation. Because of pricing competition, "users are often faced with difficult choices regarding the selection of a service which will provide ... the best value." *Kaplan*, at column 1, lines 28-30 and lines 37-39 (emphasis added). As an example, *Kaplan* explains that "more than one telecommunications service provider" may be available "to a user." *Id.* at column 1, lines 40-45 (emphasis added). When a path is determined, it is the "user priorities" that are considered. *Id.* at column 3, lines 11-16 (emphasis added). The user, as further evidence, may have access to multiple "common carriers" and take advantage of the benefits of either carrier. *Id.* at column 4, lines 4-8. The "user can specify his priorities ... which are critical in transmitting a particular file." *Id.* at column 5, lines 8-10. The user may weight the parameters. *See Kaplan*, at column 6, lines 10-20. If the user does not have access to a network interface (perhaps "due to their economic resources"), then the optimization need not be performed. *Id.* at column 7, lines 1-10. The user can override the optimization by specifying speed, least cost, or most reliable path. *See id.* at column 7, lines 45-50.

So, the Assignee must, very respectfully, disagree with the Office's assertion. *Kaplan* fails to teach or suggest the "*best value*" scenario recited in the independent claims. *Kaplan* solely describes "best value" considerations from the user's perspective. *Kaplan* is entirely silent to "*a best-value scenario that maximizes profitability for the service provider*" (emphasis added). Because *Kaplan*, *Codella*, and *Redlich* are all silent to at least this feature, one of ordinary skill in the art would not think that independent claims 1, 14, and 15 are obvious.

Moreover, the independent claims recite additional, distinguishing features. The independent claims also recite "*grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the processing service*," "*dispersing the segment to the another service provider for fulfillment of the processing service*," and "*receiving a result of the processing service from the another service provider.*" The proposed combination of *Kaplan*, *Codella*, and *Redlich* is silent to these features. One of ordinary skill in the art, then, would not think that independent claims 1, 14, and 15 are obvious.

The dependent claims also recite distinguishing features. Dependent claim 2, for example, recites "*grouping together the individual packets requiring a color correction service offered by the another service provider, and wherein receiving the result comprises receiving the result of the color correction service.*" Support for such features may be found at least at paragraph [0023] of United States Application No. 10/720,941 (Attorney Docket 030006), which is incorporated by reference. Dependent claim 5 recites "*grouping together the individual packets that require a scaling service offered by the another service provider, and wherein receiving the result comprises receiving the result of the scaling service.*" Support for such features may be found at least at paragraph [0023] of United States Application No. 10/720,941 (Attorney Docket 030006), which is incorporated by reference. The proposed combination of *Kaplan*, *Codella*, and *Redlich* is silent to all these features.

Claims 1-7, 10, and 12-20, then, cannot be obvious. Independent claims 1, 14, and 15 recite many features that are not taught or suggested by the proposed combination of *Kaplan*, *Codella*, and *Redlich*. The dependent claims incorporate these same features and recite

additional, distinguishing features. Because *Kaplan*, *Codella*, and *Redlich* are silent to all these features, one of ordinary skill in the art would not think that claims 1-7, 10, and 12-20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 8 & 9 under § 103 (a)

The Office rejected claims 8 and 9 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Kaplan* in view of *Codella* and *Redlich* and further in view of U.S. Patent Application Publication 2006/0206619 to Dan, *et al.* Claims 8 and 9, however, depend from independent claim 1 and, therefore, incorporate the same distinguishing features. As the above paragraphs already explained, the proposed combination of *Kaplan*, *Codella*, and *Redlich* fails to teach or suggest many of the features recited by independent claim 1.

Dan does not cure these deficiencies. *Dan* discloses an "eSLA" system for building, provisioning, and executing service level agreements. Still, though, the proposed combination of *Kaplan*, *Codella*, *Redlich*, and *Dan* cannot obviate claims 8 and 9. The proposed combination of *Kaplan*, *Codella*, *Redlich*, and *Dan* remains silent to many of the features recited by independent claim 1. One of ordinary skill in the art, then, would not think that claims 8 and 9 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 11 under § 103 (a)

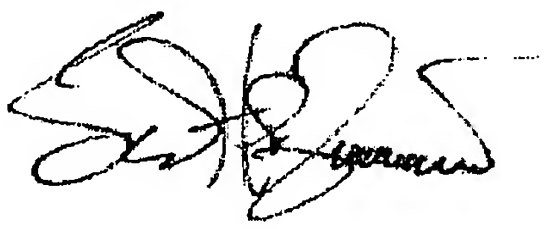
The Office rejected claim 11 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Kaplan* in view of *Codella* and *Redlich* and further in view of U.S. Patent 6,385,198 to Ofek, *et al.* Claim 11, however, depends from independent claim 1 and, therefore, incorporates the same distinguishing features. As the above paragraphs already explained, the proposed combination of *Kaplan*, *Codella*, and *Redlich* fails to teach or suggest many of the features recited by independent claim 1.

Ofek does not cure these deficiencies. *Ofek* discloses a packet-switching network in which switches have a common time reference. *See* U.S. Patent 6,385,198 to Ofek, *et al.* at column 2, lines 45-60. Transmission time along "virtual pipes" may be reserved. *Id.* at column 6, lines 20-25. Transfers of data packets occur during predefined time intervals. *See id.* at column 6, lines 50-55.

Still, though, the proposed combination of *Kaplan*, *Codella*, *Redlich*, and *Ofek* cannot obviate claim 11. The proposed combination of *Kaplan*, *Codella*, *Redlich*, and *Ofek* remains silent to many of the features recited by independent claim 1. Moreover, *Ofek* still fails to teach or suggest the claim 11 feature "*when the packets of data arrive outside the window of time, then further comprising queuing the packets of data for the processing service.*" Support for such features may be found at least at paragraph [0031] of the as-filed application. One of ordinary skill in the art, then, would not think that claim 11 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of this claim.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,



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